

128, 130 & 132 Gorman Park Road & 795, 797, 799 Sheppard Ave West Application to Lift the Holding Provisions (H) - Decision Report- Approval

Date: April 21, 2023

To: North York Community Council

From: Director, Community Planning, North York District

Wards: Ward 6 - York Centre

Planning Application Number: 22 170200 NNY 06 OZ

Related Planning Application Numbers: 16 208768 NNY 10 OZ and 21 206529 NNY 06 SA

SUMMARY

This application proposes to lift the Holding symbol (H) for the site at 128, 130 & 132 Gorman Park Road and 795, 797, 799 Sheppard Ave West and subject to site specific Zoning By-law 393-2023(OLT). This by-law permits a 9 storey mixed use building, containing 170 residential units at 128, 130 and 132 Gorman Park Road & 795, 797, 799 Sheppard Ave West subject to a Holding provision.

The Holding provision of Zoning by-law 393-2023(OLT) requires that prior to lifting the Holding symbol (H) an acceptable sanitary system solution has been constructed and is operational as determined by the Chief Engineer and Executive Director, Engineering and Construction Services.

Engineering and Construction Services have reviewed the submitted Functional Servicing and Stormwater Management Report, prepared by Condeland Engineering, sealed and dated April 18, 2022, the Servicing Report Groundwater Summary form also sealed and dated April 18, 2022 and the associated letter from the mechanical engineer dated August 23, 2021 confirming the peak groundwater pumping rate. Staff have reviewed the submitted materials and Development Engineering supports the lifting of the Holding provision from this site.

The proposed development is consistent with the Provincial Policy Statement (2020) and conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) and the City's Official Plan. This report reviews and recommends approval of the application to amend site specific Zoning By-law 393-2023(OLT) to lift the Holding symbol (H).

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 569-2013 as amended by site specific By-law 393-2023(OLT), to remove the holding symbol (H) with respect to the lands municipally known in the year 2022 as 128, 130 & 132 Gorman Park Road & 795, 797, 799 Sheppard Ave West in accordance with the draft Zoning By-law Amendment attached as Attachment No. 2 to this report.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the Draft Zoning By-law Amendment as may be required.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

DECISION HISTORY

On October 24, 2017 the owner appealed the Official Plan and Zoning By-law Amendment application to the Ontario Municipal Board, citing City Council's failure to make a decision within the time frame prescribed by the *Planning Act*.

Subsequently, on August 12, 2022, the applications for the 9 storey building were approved by the Ontario Land Tribunal (the "OLT") subject to a Holding provision.

The Ontario Land Tribunal's decision can be found here:

<https://www.omb.gov.on.ca/e-decisions/OLT-22-004021-AUG-19-2022-ORD.docx>

PROPOSAL

This application proposes to lift the Holding (H) symbol in site specific Zoning By-law 393-2023(OLT) pertaining to the lands at 128, 130 & 132 Gorman Park Road and 795, 797, 799 Sheppard Ave West. Lifting of the Holding symbol would allow the redevelopment of the subject lands to proceed with the proposed mixed-use development. Attachment 1 identifies the site location.

Reasons for Application

The application to lift the Holding symbol (H) for the subject lands is required to accommodate the proposed development of a 9-storey mixed use building, containing

170 residential units at 128, 130 & 132 Gorman Park Road and 795, 797, 799 Sheppard Ave West.

Community Consultation

Community consultation is not required for an application to lift the Holding symbol (H) and, as such, a community meeting was not held for this application.

Site Plan Control

Site Plan Control approval is required to permit the proposed development approved by the OLT. A Site Plan Control application (File No. 21 206529 NNY 06 SA) has been submitted and is under review.

POLICY CONSIDERATIONS

Various legislation and policies guide growth and development in Ontario, including the *Planning Act* and various Provincial Policies such as the Provincial Policy Statement (the "PPS") and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (the "Growth Plan").

For the purposes of the application to remove the Holding (H) symbol from the property, key policy considerations were evaluated including the need to demonstrate that there is adequate capacity for sanitary sewer services to support the proposed development.

Consistency and conformity with these policies are further discussed later in the report.

Toronto Official Plan and Sheppard West/Dublin Secondary Plan

Through the earlier approval by the OLT of the above-noted zoning by-law amendments, conformity with the official plan and secondary plan were already considered and established. The placement of the H on the subject property and its future removal due to sanitary sewer capacity is in conformity with the official plan, specifically Chapter 5.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

Zoning

The subject lands are zoned (H)CR 1.0 (c1.0; r1.0) SS2 (x783) in By-law 393-2023(OLT), which permits the proposed mixed use and residential apartment building. The by-law also details specific development standards such as building heights, gross floor area, setbacks, indoor and outdoor amenity spaces, parking and loading provisions for the subject lands. These development standards will remain in place.

Section 5 of By-law 393-2023(OLT) identifies the conditions under which the Holding (H) provision may be removed:

An acceptable sanitary system solution has been constructed and is operational as determined by the Chief Engineer and Executive Director, Engineering and Construction Services.

COMMENTS

Planning Act, Provincial Policy Statement and Provincial Plans

Staff have determined that the proposal has regard for matters of Provincial Interest in the Planning Act is consistent with the PPS (2020) and conforms with the Growth Plan (2020).

Policy 1.1.1 c) of the PPS directs healthy, liveable and safe communities are sustained by avoiding development and land use patterns which may cause environmental or public health and safety concerns. Policy 1.6.6.1 d) of the PPS also directs planning for servicing be integrated with land use considerations at all stages of the planning process. This application has addressed the servicing and capacity impacts of the proposed mixed-use development, and is consistent with the PPS in this regard.

The application demonstrates there are no outstanding servicing or capacity issues pertaining to the development and therefore does not conflict with the Growth Plan.

Official Plan and Sheppard West/Dublin Secondary Plan

This application has been reviewed against the Official Plan policies described in the Policy Considerations section of this report as well as the policies of the Toronto Official Plan as a whole. The application conforms with the Official Plan and the Sheppard West/Dublin Secondary Plan.

Lifting of the Holding Symbol (H)

The site at 128, 130 & 132 Gorman Park Road and 795, 797, 799 Sheppard Ave West was one of 5 individual sites that submitted a combined servicing report to Engineering and Construction Services. The sites included were:

- 665 Sheppard Ave West
- 700 Sheppard Ave West
- 719 Sheppard Ave West
- 1050 Sheppard Ave West
- 128, 130 & 132 Gorman Park Road and 795, 797, 799 Sheppard Ave West

The upgrades to the sanitary sewer system identified in the report to accommodate these 5 developments was absorbed by Toronto Water under Basement Flooding

Protection Program Contract 19ECS-LU-12FP. Through negotiations with Toronto Water, it was determined that the Holding designations of these five sites could be lifted upon payment for the upgrades (which was received) and contract award by the City (which was awarded and is currently underway).

The individual Functional Servicing & Stormwater Management Report submitted by the applicant references, and was consistent with, the population and discharge numbers that were provided in the combined report and thereby deemed acceptable by Engineering and Construction Services. As such, the condition to remove the Holding (H) symbol has been met.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Toronto Official Plan and the Sheppard West/Dublin Secondary Plan. The proposal is consistent with the PPS (2020) and does not conflict with the Growth Plan (2020). Furthermore, the proposal conforms with the Official Plan, particularly as it relates to the implementation of holding By-laws to secure appropriate servicing infrastructure to support growth.

The conditions that are required to be addressed prior to the lifting of the Holding (H) provision have been satisfied such that the development of the site can proceed. Staff recommend that City Council approve the proposed amendments to Zoning By-law 393-2023(OLT) to remove the H symbol from the site to allow for the development of these lands.

CONTACT

Kelly Snow, Planner, Community Planning
Tel. No. (416) 395-7124
E-mail: Kelly.Snow@toronto.ca

SIGNATURE

David Sit, MCIP, RPP, Director
Community Planning, North York District

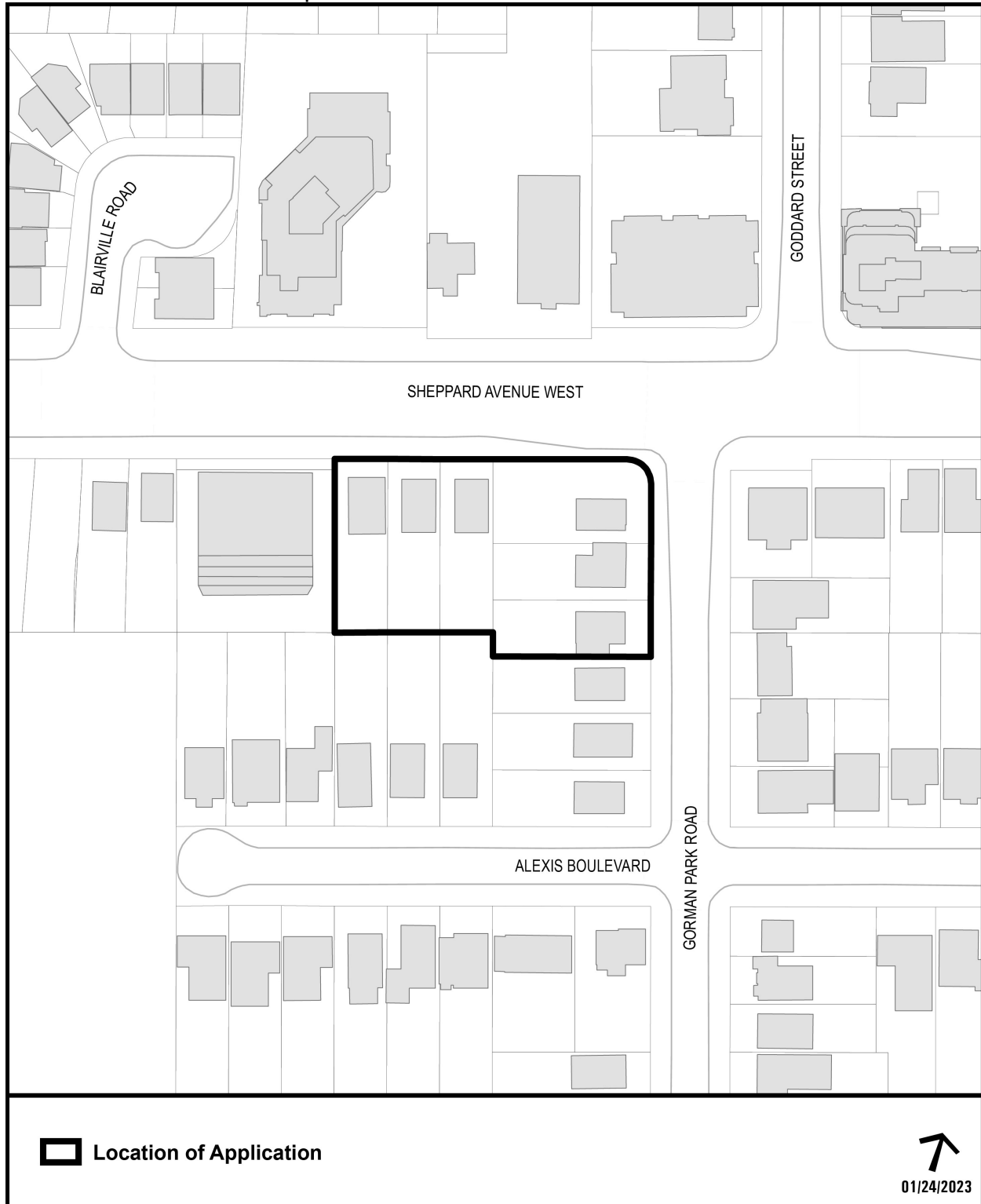
ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Location Map

Attachment 2: Draft Zoning By-law Amendment - 569-2013

Attachment 1: Location Map



Attachment 2: Draft Zoning By-law Amendment - 569-2013

Authority: North York Community Council Item NY____, as adopted by City of Toronto Council on _____, 2023

CITY OF TORONTO

BY-LAW ____-2023

To amend Zoning By-law 569-2013, as amended by site specific By-law 393-2023(OLT), to remove the holding symbol (H) with respect to the lands municipally known in the year 2022 as 128, 130 & 132 Gorman Park Road and 795, 797, 799 Sheppard Ave West.

Whereas Council of the City of Toronto has the authority to pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public in accordance with the Planning Act; and

Whereas authority is given to Council by Section 34 and Section 36 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to impose the holding symbol (H) and to remove the holding symbol (H) when Council is satisfied that the conditions relating to the holding symbol have been satisfied; and

Whereas Council is satisfied that the conditions relating to the holding symbol have been satisfied in order to lift the holding symbol in relation to the lands to which this by-law applies; and

Whereas Council has provided notice of the intent to pass this By-law:

The Council of the City of Toronto HEREBY ENACTS as follows:

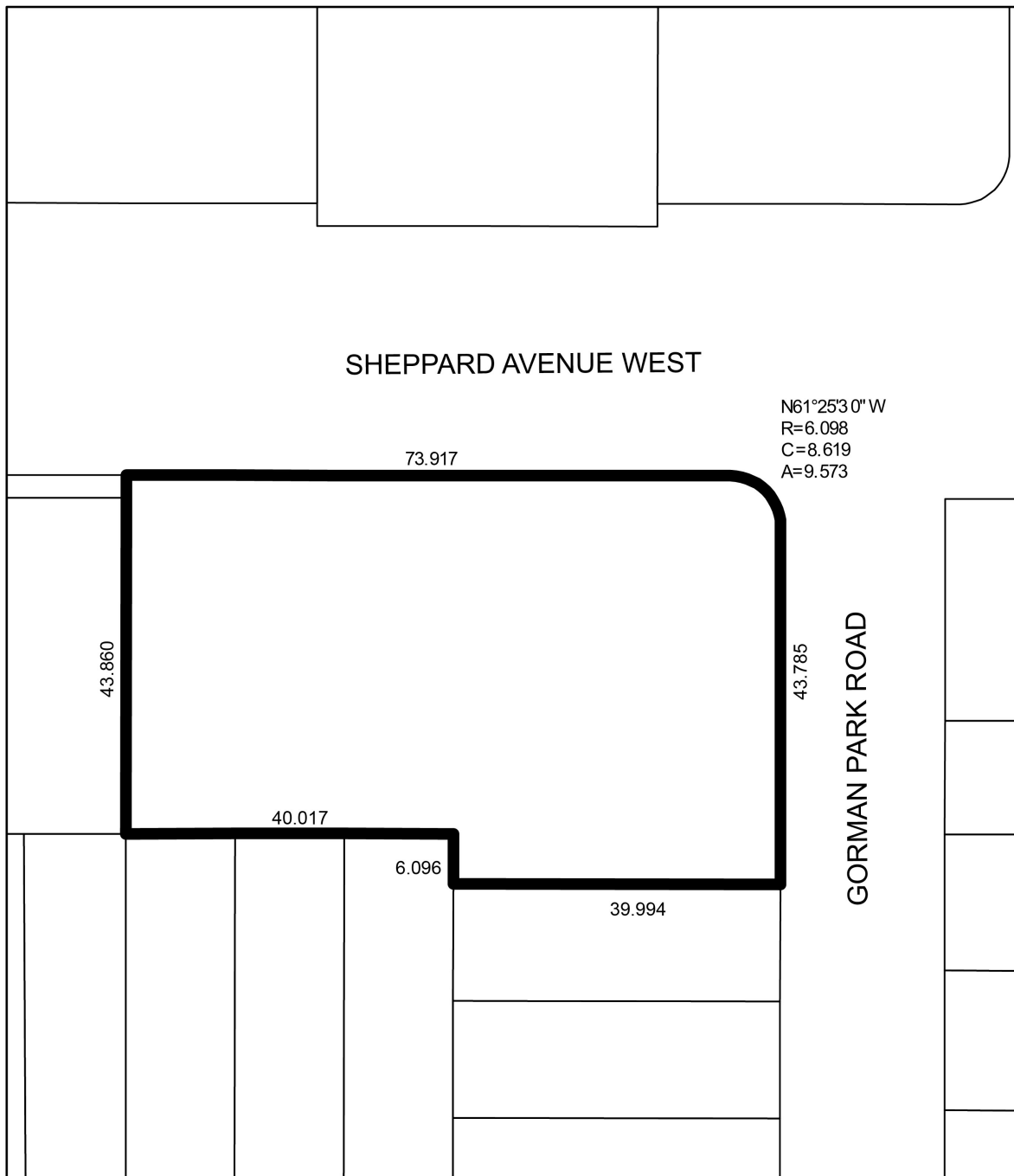
1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. Zoning By-law 569-2013, as amended, is further amended by removing the holding symbol “(H)” from the lands as shown on the attached Diagram 2.

Enacted and passed on _____, 2023.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)



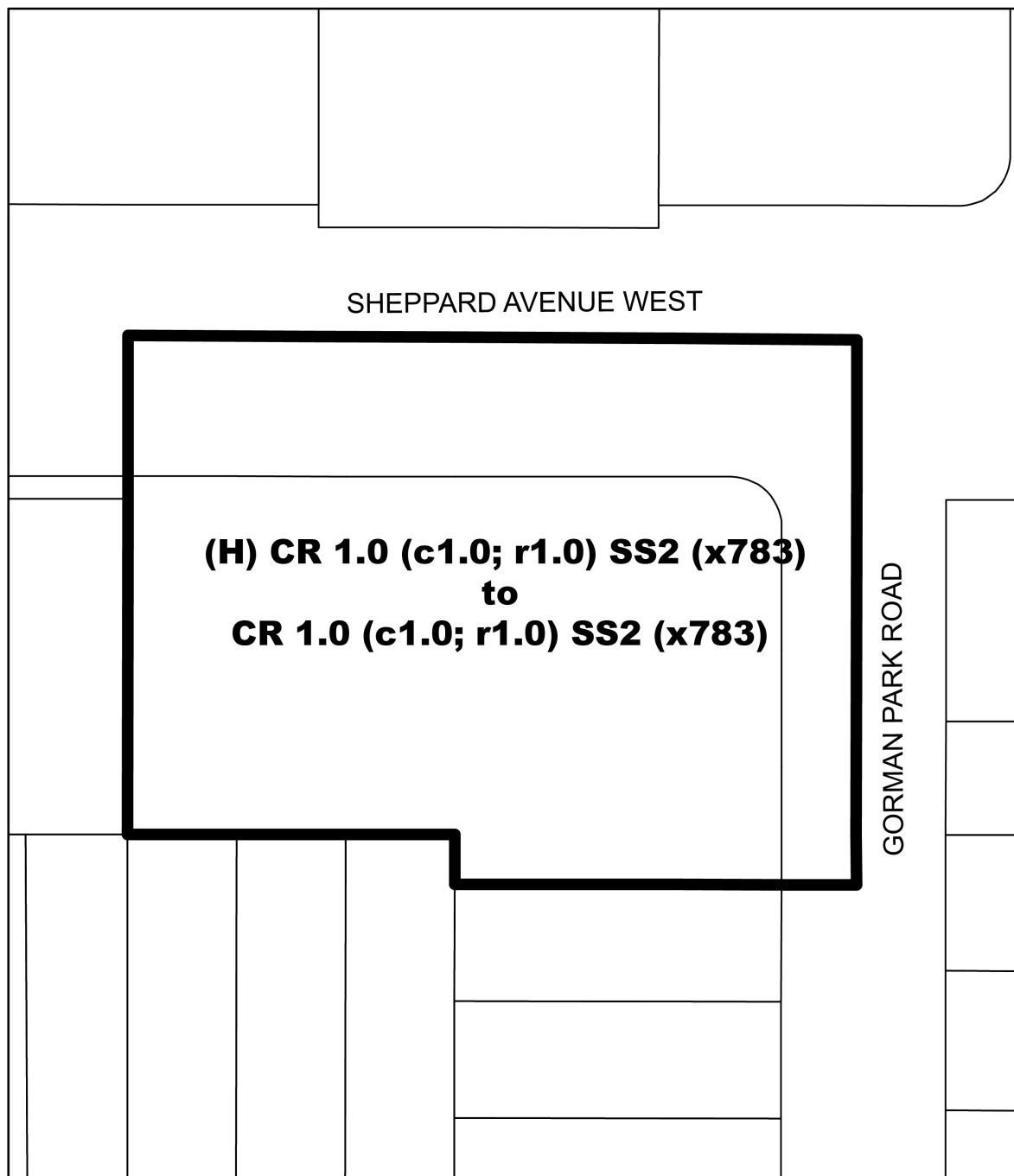
Toronto
Diagram 1

**128-132 Gorman Park Road &
795-799 Sheppard Avenue West**

File # 16 208768 NNY 10 02



City of Toronto By-law 569-2013
Not to Scale
01/25/2022



 **TORONTO**
Diagram 2

**128-132 Gorman Park Road &
795-799 Sheppard Avenue West**
File # 16 208768 NNY 10 02

↑
City of Toronto By-law 569-2013
Not to Scale
01/25/2022